

§ 359.807

(3) The basis for selecting the appointee for furlough when some but not all Senior Executive Service appointees in a given organizational unit are being furloughed;

(4) The reason if the notice period is less than 30 days;

(5) The place where the appointee may inspect the regulations and records pertinent to the action; and

(6) The appointee's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

§ 359.807 Records.

The agency shall preserve all records relating to an action under this subpart for at least one year from the effective date of the action.

Subpart I—Removal of Noncareer and Limited Appointees and Reemployed Annuitants

§ 359.901 Coverage.

(a) This subpart covers the removal from the SES of—

(1) A noncareer appointee;

(2) A limited emergency or a limited term appointee; and

(3) A reemployed annuitant holding any type of appointment under the SES.

(b) Coverage does not include, however, a limited emergency or a limited term appointee who is being removed for disciplinary reasons and who is covered by 5 CFR 752.601(c)(2).

§ 359.902 Conditions of removal.

(a) *Authority.* The agency may remove an appointee subject to this subpart at any time.

(b) *Notice.* The agency shall notify the appointee in writing before the effective date of the removal.

(c) *Placement rights.* An appointee covered by this subpart is not entitled to the placement rights provided for career appointees under subpart G of this part.

(d) *Appeals.* Actions taken under this subpart are not appealable to the Merit Systems Protection Board under 5 U.S.C. 7701.

5 CFR Ch. I (1–10 Edition)

PART 362—PRESIDENTIAL MANAGEMENT FELLOWS PROGRAM

Subpart A—Definitions

Sec.

362.101 Definitions.

Subpart B—Program Administration

362.201 Agency programs.

362.202 Announcement, nomination, and selection.

362.203 Appointment and extensions.

362.204 Development, evaluation, promotion, and certification.

362.205 Waiver.

362.206 Movement between departments or agencies.

362.207 Withdrawal and readmission.

362.208 Resignation, termination, reduction in force, and appeal rights.

362.209 Placement upon completion.

362.210 Transition.

AUTHORITY: E.O. 13318 of Nov. 21, 2003, 3 CFR, 2003 Comp., p. 265.

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Subpart A—Definitions

§ 362.101 Definitions.

For purposes of this part,

An *agency* means a component within the Executive Office of the President, or an Executive department, Government corporation, or independent establishment as defined in 5 U.S.C. 101, 103, and 104, respectively.

An *Executive Resources Board (ERB)* has the same meaning as specified in § 317.501(a) of this chapter; in those agencies that are not required to have an ERB pursuant to that section, it means the senior agency official or officials who have been given executive resource management and oversight responsibility by the agency head.

A *Presidential Management Fellow* or *Fellow* is an individual appointed, at the GS-9, GS-11, or GS-12 level (or equivalent), in the excepted service under § 213.3102(ii) of this chapter, or under an agency-specific authority if the agency is excepted from the competitive service. The individual must have completed a graduate course of study at a qualifying college or university, received the nomination of the dean or academic director, successfully